



PATENT
Attorney Docket No. VM19

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jeff S. EDER

Application No. 09/764,068

Group Art Unit: 3628

Filed: January 19, 2001

Examiner: Clement Graham

For: A method of and system for
defining and measuring
the real options of a commercial
enterprise

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO - 1449 and/or Substitute Form PTO - 1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

☐ within any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

☒ after (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes one of:

☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below)

or

☒ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

☐ after the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(c) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

☐ after the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and within thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below). NOTE,. This is for original applications except applications for a design patent filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

☐ Copies of all of the references listed on the enclosed Form 1449 are enclosed herewith.

☐ This patent application was filed after June 30, 2003. Accordingly, copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith (see Official Gazette Notice of August 5, 2003). Copies of other references identified on the accompanying Form 1449 are enclosed herewith.

☐ Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation

of the relevance pursuant to 37 CFR 1.98(a)(3).

☐ A copy of the foreign search report is enclosed herewith.

☒ Many of the references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (<i>check one</i>)		
U.S. APPLICATIONS	U.S. Filing Date	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

☐ The undersigned hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.

☒ The undersigned hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

☐ The undersigned hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

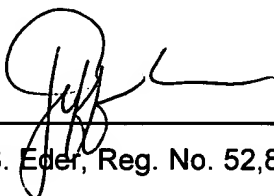
Fees

- ☐ No fee is owed by the applicant(s).
- ☒ The IDS Fee of \$180 under 37 CFR 1.17(p) is enclosed herewith.

The Applicant respectfully requests consideration of the instant application with the information disclosure statement attached herewith.

Respectfully submitted,

Date: 12/31/2004



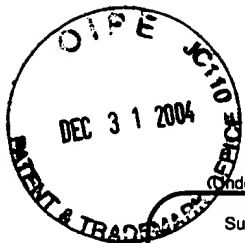
Jeff S. Eder, Reg. No. 52,849

CERTIFICATE OF MAILING

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 -1450.

Date: 12/31/2004





PTO/SB/08A (04-03)

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(Use as many sheets as necessary)

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Application Number	09/764,068
Filing Date	1/19/2001
First Named Inventor	Jeff S. Eder
Art Unit	3628
Examiner Name	Clement Graham
Attorney Docket Number	VM - 19

Sheet 1 of 10

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,224,034 - B1	06-29-1993	Katz, Paul	
		US- 5,237,946 - B1	08-17-1993	Kagami, Akari	
		US- 5,128,861 - B1	07-07-1992	Kagami, Akari	
		US- 5,237,495 - B1	08-17-1993	Morii, Hideki	
		US- 3,749,892 - B1	07-31-1973	Stenning, Patrick	
		US- 5,361,201 - B1	11-01-1994	Jost, Allen et al	
		US- 3,933,305 - B1	01-20-1976	Murphy, John Michael	
		US- 4,989,141 - B1	01-29-1991	Lyons, Richard	
		US- 5,317,504 - B1	05-31-1994	Nakayama, Mamoru	
		US- 5,414,621 - B1	05-09-1995	Hough, John	
		US- 5,193,055 - B1	03-09-1993	Brown, Gordon	
		US- 5,809,282 - B1	09-15-1998	Cooper, Dennis	
		US- 5,875,431 - B1	02-23-1999	Heckman et al	
		US- 5,737,581 - B1	04-07-1998	Keane, John	
		US- 5,812,988 - B1	09-22-1998	Sandretto, Michael	
		US- 6,125,355 - B1	09-26-2000	Bekaert et al	
		US- 6,173,276 - B1	01-19-2001	Kant, Elain	
		US- 6,112,188 - B1	08-29-2000	Harnett, William	
		US- 6,134,536 - B1	10-17-2000	Shepherd, Ian	

FOREIGN PATENT DOCUMENTS

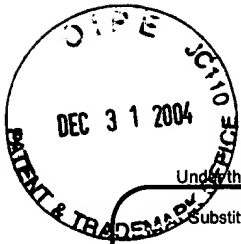
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		EP 0 587 290 A2	03-16-1994	Powers et al		
		GB 2 253 081 A	02-19-1992	Kaisha, Kabushi		

Examiner
SignatureDate
Considered

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

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First Named Inventor	Jeff S. Eder
Art Unit	3628
Examiner Name	Clement Graham
Attorney Docket Number	VM-19

Sheet 2

of 10

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		Number-Kind Code ² (if known)			
		US- 6,078,901 - B1	6-20-2000	Ching, Hugh	
		US- 5,644,727 - B1	07-01-1997	Atkins, Charles Agee	
		US- 5,704,055 - B1	12-30-1997	George et al	
		US- 5,704,045 - B1	12-30-1997	King et al	
		US- 6,278,981 - B1	08-21-2001	Dembo et al	
		US- 5,191,522 - B1	03-02-1993	Bosco et al	
		US- 6,064,972 - B1	05-16-2000	Jankowitz et al	
		US- 6,263,314 - B1	07-17-2001	Donner, Irah H.	
		US- 6,092,056 - B1	07-18-2000	Tull Jr. et al.	
		US- 5,706,495 - B1	01-06-1998	Chadha et al.	
		US- 5,649,181 - B1	07-15-1997	French et al.	
		US- 5,471,611 - B1	11-28-1995	McGregor, Douglas	
		US- 5,680,305 - B1	10-21-1997	Agpar, Mahlon	
		US- 5,406,477 - B1	04-11-1995	Harhen, John	
		US- 5,819,237 - B1	10-06-1998	Garman, Mark	
		US- 6,064,971 - B1	05-16-2000	Hartnett, William	
		US- 6,584,507 - B1	6-24-2003	Bradley et al.	
		US- 6,732,095 - B1	05-04-2004	Warshavsky et al.	
		US- 6,418,448 - B1	7-09-2002	Sarkar, Shyam Sundar	

FOREIGN PATENT DOCUMENTS

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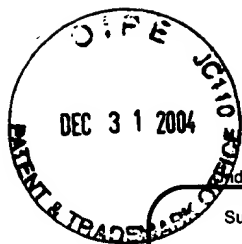
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Examiner Name	Clement Graham
Attorney Docket Number	VM - 19

Sheet 3 of 10

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		Number-Kind Code ² (if known)			
		US- 6,332,163 - B1	12-18-2001	Bowman-Amuah, Michel	
		US- 5,802,501 - B1	9-1-1998	Graff, Richard A.	
		US- 4,839,304 - B1	6-13-1989	Roberts et al	
		US- 6,148,293 - B1	11-14-2000	Douglas L. King	
		US- 5,742,775 - B1	04-21-1998	Douglas L. King	
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		US- 2002/0023034-A1	02-21-2002	Brown et al	
		US- 2002/0052820-A1	05-02-2002	Gatto, Joseph	
		US- 2002/0002520-A1	01-03-2002	Gatto, Joseph	
		US- 2002/0016758-A1	02-07-2002	Grigsby, Calvin	
		US- 6,732,095 - B1	5-4-2004	Warshavsky et al.	
		US- 6,209,124 - B1	3-27-2001	Vermeire et al.	
		US- 6,366,964 - B1	4-02-2002	Cheng et al.	
		US- 6,189,011 - B1	2-13-2001	Lim et al.	
		US- 6,282,531 - B1	8-28-2001	Haughton et al.	
		US- 6,738,753 - B1	5-18-2004	Hogan, Michael	
		US- 5,774,873 - B1	6-30-1998	Berent et al.	
		US- 5,668,591 - B1	9-16-1997	Shintani, Peter	
		US- 5,794,219 - B1	8-11-1998	Brown, Stephen	

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Sheet	4	of	10
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		ZIPP, ALAN S.; Business valuation methods; 1993, AICPA	
		DAVIDOW, WILLIAM; Accounting systems are completely wrong, January 1995, Red Herring	
		MCTAGGERT, JAMES, KONTES, PETER AND MANKINS, MICHAEL, The value imperative, 1994, The Free Press	
		RAPPAPORT, ALFRED; Creating shareholder value; 1986, The Free Press	
		RITCHKEN, PETER, Options, Theory, Strategy and Applications, 1987, Foresman and Company	
		DIXIT, AVINASH & PINDYCK, ROBERT; Investment under uncertainty; 1994; Princeton University Press	
		GARSON, DAVID; Interpreting neural network connection weights, 4/1/1991, AI Expert	
		WELLSTEAD, STEPHEN; Neural network and fuzzy logic applications in C/C++; 1994; John Wiley & Sons	
		MOST, KENNETH; Accounting theory; 1977, Grid, Inc.	
		HENDRIKSEN, ELDEN, Accounting theory, 1982, Richard D. Irwin	

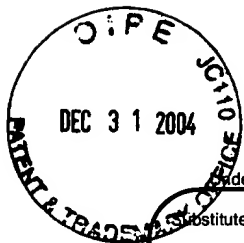
Examiner Signature		Date Considered	
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Sheet 5 of 10

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		KULKARNI, ARUN; Artificial neural networks for image understanding; 1/1/1994; Van Norstrand Reinhold	
		WARD SYSTEMS GROUP; NeuroWindows User Manual; 1993; Wards Systems Group	
		BREALEY, RICHARD & MYERS, STEWART; Principles of Corporate Finance; 1991; McGraw Hill	
		FAULKNER, TERRENCE; Applying options thinking to R&D valuation; 5/1/1996; Research Technology Manage	
		MILLER, MERTON & MODIGLIANI, FRANCO, Dividend policy, growth and the valuation of shares, 10/1/1961,	
		SIMENSKY, MELVIN & BRYER, LANNING; The new role of intellectual property in commercial transactions,	
		WILSON, ALBERT, Emerging approaches to impaired property valuation, 4/1/1996, Appraisal Journal, v64	
		BROWN, GORDON T, Free cash flow appraisal, a better way, 4/1/1996, Appraisal Journal, V64, number 2,	
		BUSINESS EDITORS & REAL ESTATE INDUSTRY WRITERS, EQK Realty Investors I, 4/2/1992, Press Release	
		SWAD, RANDY, Business valuation, applicable standards for CPA's, 9/1/1995, CPA Journal v65, number 9	

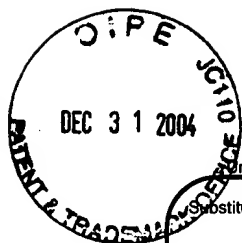
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Complete if Known

Application Number	09/764,068	
	Filing Date	1/19/2001
	First Named Inventor	Jeff S. Eder
	Art Unit	3628
	Examiner Name	Clement Graham
Attorney Docket Number	VM - 19	

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		REILLY, ROBERT; Valuation of intangibles for bankruptcy and reorganization purposes; 8/1/1994; Ohio	
		LIEBICH, KIM; How to value a bank; 8/1/1995; ABA Banking Journal	
		BAUMANN, BARBARA H & OXAAL, MARJORIE R; Estimating the value of a group medical practice, a primer;	
		DOWD, KEVIN, Beyond Value at Risk, 1998, John Wiley & Sons	
		FRIEDMAN, RICHARD; Business valuation: calculating it right; 10/1/1994; Practical Accountant	
		MULLEN, MAGGIE; How to value intangibles; 11/1/1993; Accountancy	
		STEWART, THOMAS; Trying to grasp the intangible; 10/2/1995 Fortune	
		OUROSOFF, ALEXANDRA; What the world's top brands are worth; 9/1/1992; Finance World	
		PHILLIPS BUSINESS INFORMATION, INC.; Five ways to reduce risk with neural networks; 9/27/1993; Credi	
		LIPPITT, JEFFREY & MASTRACCHIO, NICHOLAS, Developing capitalization rates for valuing a business, 11	

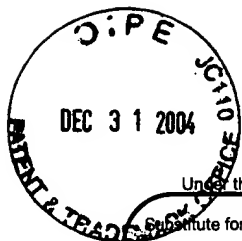
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		HIRSCH, A. ETHAN, What's it worth?, 12/21/1992, Accounting Today, v6, number 24, p 16	
		MYERS, STEWART & HOWE, CHRISTOPHER; A life-cycle financial model of Pharmaceutical R&D; 4/1/1997;MIT	
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		KAUFMAN, J. JERRY; Value Management; 1998; Crisp	
		HBS Press; Measuring Corporate Performance; 1998; HBS Press	
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		ERNST & YOUNG, Measures that Matter	

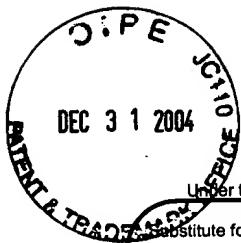
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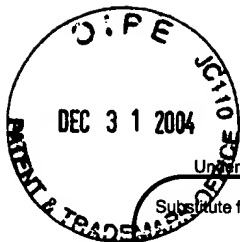
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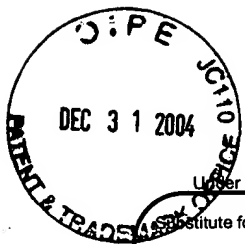
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